

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

XEROX CORPORATION,

Plaintiff,

v.

PRINTING AND MAILING,
 SOLUTIONS, INC., *et al.*,

Defendants.

2:09-cv-00653-RLH-LRL

O R D E R

Before the court is plaintiff's Motion to Compel and For Sanctions (#55). Defendants, Leticia Castro and Quality Printing (collectively "QP"), filed an Opposition (#87) and plaintiff a Reply (#88).

Plaintiff filed its motion on April 8, 2010. No responses were filed. Noting that defendants, most of which are corporations, had been without counsel since May 11, 2010, the court scheduled a hearing for June 30, 2010, requiring defendants to appear and explain why they had not retained counsel and responded to the pending motions. Minute Order (#73). Attorney Megan K.M. McHenry appeared on behalf of plaintiff, and attorney Dale Rycraft appeared for the first time on behalf of defendants QP and Leticia Castro; the other defendants were neither present nor represented. *See Minutes* (#84). The court granted the Motion to Compel (#55) as to the non-appearing defendants, and ordered McHenry to provide the outstanding discovery requests to Rycraft so that he could respond on behalf of QP and Leticia Castro. Rycraft was ordered to file a response to the Motion to Compel and For Sanctions (#55) by July 16, 2010, which he did. Plaintiff filed its Reply (#88) on July 23, 2010.

In his Opposition to plaintiff's motion, QP resists production on the grounds that not only does plaintiff not allege that QP has been dilatory in meeting its discovery obligations, plaintiff's own expert acknowledges that he has all the documents he needs from Quality Printing. QP notes further that the

1 only outstanding documents are those of Master Mailers and Printing and Mailing Solutions. Opp'n
2 (#87) at 2; *see* Exh. A to Opp'n (#87) at 3, 6, 14. Further, the exhibits attached to the Motion to Compel
3 (#55) are the discovery requests directed to Master Mailers and Printing and Mailing Solutions, not to
4 QP. Plaintiff argues that insofar as QP is the only defendant currently participating in the case, it should
5 be ordered to produce the requested documents in QP's possession or under its control, even if such
6 documents are records relating only to Master Mailers and Printing and Mailing Solutions. The court
7 agrees. If QP has custody or control of requested records relating to Master Mailers and Printing and
8 Mailing Solutions, it must produce them.

9 Accordingly, and for good cause shown,

10 IT IS ORDERED that to the extent that plaintiff's Motion to Compel and for Sanctions (#55)
11 is directed to defendants Quality Printing and Leticia Castro, it is GRANTED. QP shall produce the
12 requested records not later than **September 27, 2010**.

13 DATED this 16th day of September, 2010.

14 

15 _____
16 **LAWRENCE R. LEAVITT**
17 **UNITED STATES MAGISTRATE JUDGE**
18
19
20
21
22
23
24
25
26